

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CRIMINAL NO. 3:01-349 (CMC)
)	
v.)	OPINION and ORDER
)	
Ronnie Bowman,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant’s “Motion to Dismiss for a Lack of Subject-Matter Jurisdiction Pursuant to the Revised FRCrP Rule 12(b)(2).” ECF No. 148. Defendant argues that his conviction is invalid as this court lacked statutory and constitutional subject-matter jurisdiction to try and convict him as the Government “failed to allege certain material facts that the Federal Government had complied with Title 40 U.S.C.A. [§ 3112], at the ‘place’ of the crime which would have brought the offense ‘territorially’ within the ‘exclusive jurisdiction’ of the United States.” Mot. at 9 (emphasis in original).

Subject-matter jurisdiction can “‘never be forfeited or waived’; ‘it involves a court’s power to hear a case.’” *United States v. Hartwell*, 448 F.3d 707, 715 (4th Cir. 2006) (quoting *United States v. Cotton*, 535 U.S. 625, 630 (2002)). “[A]ny action by a court without subject-matter jurisdiction is ultra vires and therefore void.” *Id.* (internal citations omitted).

Subject matter jurisdiction over a federal prosecution is conferred on the district court by 18 U.S.C. § 3231 (2000). *Hartwell*, 448 F.3d at 716. Moreover, “there can be no doubt that Article III permits Congress to assign federal criminal prosecutions to federal courts. That’s the beginning and the end of the “jurisdictional” inquiry.” *Hugi v. United States*, 164 F.3d 378, 380 (7th Cir.1999). The crime with which Defendant was charged and to which he pleaded guilty did not occur within the special territorial jurisdiction of the United States; rather, it is a crime which Congress has

defined as being federal in nature, jurisdiction over which is vested in this court.

Defendant's motion to dismiss is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 22, 2013